

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SYMANTEC CORPORATION,
Plaintiff,

No. C 11-03146 WHA

v.

JOHNS CREEK SOFTWARE, INC., and
STEPHEN CHEATHAM,
Defendants.

**ORDER REGARDING MOTION
FOR SPOILATION AND
MOTIONS TO WITHDRAW**

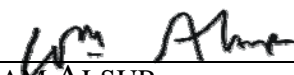
For the reasons stated at the hearing, plaintiff Symantec Corporation's motion for discovery sanctions and spoliation will be held in abeyance. As issues are actually litigated at trial, the Court will give appropriate instructions to the jury regarding discovery violations, and the parties may question witnesses about violations. If there was destruction of evidence, the jury will take that into consideration.

Symantec's request for monetary sanctions will also be held in abeyance; except that Attorney Roger Teich will not be sanctioned for past discovery misconduct by others. The Court understands that Attorney Teich is therefore willing to continue as defendants' counsel.

Attorneys James Doroshow and Curtis Smolar should bring a fresh motion to withdraw detailing their involvement in this action and giving reasons for withdrawal, without violating attorney-client privilege.

IT IS SO ORDERED.

Dated: July 18, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE